

AMENDED IN SENATE APRIL 23, 2013

AMENDED IN SENATE APRIL 4, 2013

**SENATE BILL**

**No. 123**

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**Introduced by Senator Corbett**

January 18, 2013

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An act to add Article 2 (commencing with Section 69540) to Chapter 5 of Title 8 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 123, as amended, Corbett. Environmental and land use court.

Existing law establishes a statewide system of courts with a superior court of one or more judges in each county. Existing law requires the presiding judge of each superior court to distribute the business of the court among the judges, and to prescribe the order of business, subject to the rules of the Judicial Council.

This bill ~~would~~ *would, commencing July 1, 2014*, require the Judicial Council to direct the creation of an environmental and land use division within 2 or more superior courts within each of the appellate districts of the state to process civil proceedings brought pursuant to the California Environmental Quality Act or in specified subject areas, including air quality, biological resources, climate change, hazards and hazardous materials, land use planning, and water quality. The bill would require the Judicial Council, by rule of court, to identify statutes in those specified areas that would be within the jurisdiction of the environmental and land use court division. The bill would require the Judicial Council, by rule of court, to establish appropriate standards and protocols for the environmental and land use court division to accomplish the objectives of consistency, expediency, and expertise,



including educational requirements and other qualifications for specialized judges assigned to the division.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 2 (commencing with Section 69540) is  
2 added to Chapter 5 of Title 8 of the Government Code, to read:

3  
4 Article 2. Environmental and Land Use Court  
5

6 69540. (a) The Legislature finds and declares all of the  
7 following:

8 (1) According to the World Resources Institute report entitled,  
9 “Greening Justice: Creating and Improving Environmental Courts  
10 and Tribunals” (2009), the number of courts and tribunals  
11 specializing in environmental issues doubled during the past  
12 decade, prompted by increasingly complex regulations and growing  
13 concerns about natural resources.

14 (2) Environmental issues are often complex and fragmented,  
15 and conflicting aspects of environmental management and  
16 protection have made it difficult for governments, developers,  
17 communities, and advocacy groups to achieve consistent and  
18 long-range sustainable development. This has resulted in pressures  
19 to streamline and rationalize the adjudication and enforcement  
20 process and increase access to justice around the world.

21 (3) California’s environmental and land use court cases should  
22 be decided by specialized judges trained in environmental and land  
23 use law, and whose decisions would be documented and published.

24 (4) It is important to continue California’s commitment to  
25 ensuring an unbiased judicial selection process.

26 (5) The creation of an environmental and land use court can  
27 maximize both judicial competence and the speed of  
28 decisionmaking, allowing litigants to have their cases heard and  
29 an effective remedy delivered quickly.

30 (b) Accordingly, it is the intent of the Legislature to establish  
31 an environmental and land use division within ~~each superior court~~  
32 *the superior courts selected by the Judicial Council* to expedite



1 civil proceedings within the jurisdiction of the division, with more  
2 consistent rulings and better outcomes for all parties of interest.

3 69542. (a) The Judicial Council shall direct the creation of an  
4 environmental and land use division within two or more superior  
5 courts within each of the appellate districts of the state to process  
6 all civil proceedings subject to this article.

7 (b) A civil proceeding subject to this article may be filed at a  
8 superior court within the county in which the claim arises, but the  
9 civil proceeding shall be transferred to the nearest superior court  
10 within the same appellate district that has established an  
11 environmental and land use division pursuant to this article.

12 (c) Both of the following shall be subject to this article:

13 (1) A civil proceeding brought pursuant to the California  
14 Environmental Quality Act (Division 13 (commencing with Section  
15 21000) of the Public Resources Code).

16 (2) A civil proceeding brought in any of the following subject  
17 areas:

18 (A) Air quality.

19 (B) Biological resources.

20 (C) Climate change.

21 (D) Hazards and hazardous materials.

22 (E) Land use planning.

23 (F) Water quality.

24 (d) The Judicial Council shall, by rule of court, identify those  
25 statutes within the subject areas identified in paragraph (2) of  
26 subdivision (c) that are within the jurisdiction of the environmental  
27 and land use court division.

28 69544. The Judicial Council shall, by rule of court, establish  
29 appropriate standards and protocols for the environmental and land  
30 use court division to accomplish the objectives of consistency,  
31 expediency, and expertise identified in Section 69540, including  
32 educational requirements and other qualifications for specialized  
33 judges assigned to the division.

34 69545. *This article shall become operative on July 1, 2014.*